

Message Text

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FM AMEMBASSY PORT AU PRINCE
TO SECSTATE WASHDC 5344

C O N F I D E N T I A L SECTION 1 OF 8 PORT AU PRINCE 2301

STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

EO 11652 GDS
TAGS: SHUM, HA
SUBJECT: HUMAN RIGHTS EVALUATION REPORT FOR HAITI

REF: STATE 140421

1. THE EMBASSY SUBMITS HEREWITH ITS HUMAN RIGHTS EVALUATION REPORT ON HAITI, FOLLOWING THE FORMAT PROVIDED IN REFTEL.

A. CONDITION OF HUMAN RIGHTS IN HAITI.

1) RESPECT FOR THE INTEGRITY OF THE PERSON

A) FREEDOM FROM TORTURE. THE TESTIMONY OF PRISONERS RELEASED OVER THE PAST TWO YEARS INDICATES THAT THERE IS NO SYSTEMATIC USE OF TORTURE TO EXTRACT CONFESSION OR TO BREAK DOWN PRISONER RESISTENCE. WE HAVE NO REPORTS, FOR EXAMPLE, OF ANY REFINED TORTURE DEVICES SUCH AS THUMB SCREWS OR ELECTRICAL APPLIANCES. ON THE OTHER HAND, BRUTALITY CONTINUES TO BE PRACTICED IN THE APPLICATION OF PUNISHMENT FOR INFRACTIONS

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OF DISCIPLINE, AND THE EFFECT OF SUCH TREATMENT CAN BE CRIPPLING (SEE FOLLOWING PARAGRAPH FOR FURTHER DISCUSSION).

B) FREEDOM FROM CRUEL, INHUMAN OR DEGRADING PUNISHMENT. IT IS PART OF THE HAITIAN PENAL TRADITION--A CUSTOM DATING FROM THE COLONY--THAT COMMON LAW OFFENDERS ARE ADMINISTERED A SOUND BEATING PROMPTLY AFTER BEING APPREHENDED.

INFRACTIONS OF DISCIPLINE ARE USUALLY PUNISHED BY "TP BLOWS" FROM A STICK. PRISON GUARDS WILL OCCASIONALLY TAKE IT UPON THEMSELVES TO INFIL GRATUITOUS AND SADISTIC PUNISHMENT, ALTHOUGH THIS TYPE OF ABUSE HAS BECOME INCREASINGLY RARE AND STRICTER CONTROLS OVER PRISON GUARDS' CONDUCT HAVE BEEN INSTITUTED. SYMBOLIC PUBLIC EXECUTIONS AND OTHER GROTESQUE PUNITIVE TECHNIQUES APPLIED IN THE PAPA DOC ERA HAVE BEEN ENDED UNDER THE PRESENT REGIME. NEVERTHELESS, TREATMENT OF BOTH COMMON LAW AND POLITICAL PRISONERS IS FREQUENTLY HARSH. POLITICAL PRISONERS ARE SOMETIMES THREATENED WITH VIOLENCE AND, IF THEY REFUSE TO COOPERATE, MAY BE BEATEN. A POLITICAL PRISONER WHOSE MIND HAD CRACKED UNDER THE TENSION OF HIS INCARCERATION LAST YEAR WAS TWICE BEATEN UNCONSCIOUS TO STOP HIM FROM SCREAMING. OTHER PRISONERS HAVE TOLD US OF SOLITARY CONFINEMENT CELLS SO SMALL THAT ONE CAN NEITHER STAND UP NOR LIE DOWN AT FULL LENGTH. ONE PRISONER WAS KEPT IN SUCH A CELL FOR 17 DAYS AT A STRETCH.

SANITARY CONDITIONS IN PRISONS REMAIN DEFICIENT BUT ARE BEING IMPROVED. THE CELLS AT FORT DIMANCHE, WHICH WERE DEMOLISHED IN EARLY 1977 AND ARE BEING REPLACED BY A MODERN FACILITY, USED TO BE NOTORIOUS; ACCORDING TO SEVERAL PRISONERS WHO SURVIVED, OVER A HUNDRED PEOPLE IN ANY GIVEN YEAR DURING THE SIXTIES MIGHT DIE. THE NEW FACILITY IS REPORTED TO HAVE ADEQUATE CELLS, A HOSPITAL, AND A VISITORS'S ROOM. THE PRISON ADMINISTRATION HAS BEEN SHAKEN UP. IN THE NATIONAL CONFIDENTIAL

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PENITENTIARY, WEALTHY PRISONERS CAN BUY FAVORS AND REASONABLY COMFORTABLE CONDITIONS, BUT THE POOR ARE USUALLY UNDERNOURISHED. AT THE DESSALINES BARRACKS--WHERE MOST SECURITY CASES ARE NOW HELD--INDIVIDUAL CELLS FOR PRISONERS BEING HELD INDEFINITELY ARE RELATIVELY CLEAN AND COMFORTABLE, BUT LARGER CELLS CAN BE SERIOUSLY OVERCROWDED. PRISONERS WHO ARE SERIOUSLY ILL ARE OFTEN TREATED IN THE NEIGHBORING MILITARY HOSPITAL. BOTH THE HAITIAN RED CROSS AND THE ICRC ARE PRESSING FOR FURTHER IMPROVEMENTS.

C) ARBITRARY ARREST AND IMPRISONMENT. DURING THE SIXTIES ARBITRARY ARREST AND IMPRISONMENT WAS PRACTICED ON A LARGE SCALE. NOWADAYS, ARRESTS ON POLITICAL GROUNDS ARE FAR FEWER AND MORE SELECTIVE. NEVERTHELESS, THOSE PERSONS WHO ARE CONSIDERED SECURITY THREATS ARE STILL ARRESTED WITHOUT WARMING OR EXPLANATION AND CAN BE IMPRISONED INDEFINITELY WITHOUT FORMAL HEARING OR TRIAL--SOMETIMES WITHOUT EVEN BEING INTERROGATED. PERSONS MAY ALSO BE ARRESTED ON THE BASIS OF DENUNCIATIONS BY ENEMIES OR RIVALS AND BE HELD FOR LONG PERIODS. IN ONE CASE A MAN PICKED UP AS THE RESULT OF A QUARREL OVER A LOTTERY TICKET HAD HIS HOUSE AND PROPERTY CONFISCATED AND DISAPPEARED FOR TWO YEARS. APPEALS BY THE

FAMILY BOUGHT NO RESULT UNTIL FINALLY A PRISON GUARD RECOGNIZED THE MAN BY HIS PHYSICAL DESCRIPTION. IMPRISONED UNDER ANOTHER NAME, HE WAS SHORTLY RELEASED AND HIS BELONGINGS RESTORED TO HIM.

ACCORDING TO ARTICLE 17 OF THE HAITIAN CONSTITUTION, ARRESTS MUST BE MADE WITH A PROPER WARRANT AND THE ACCUSED BROUGHT BEFORE A JUDGE WITHIN 48 HOURS. THESE PROCEDURAL GUARANTEES, HOWEVER, ARE RARELY OBSERVED, AND IN HAITI AS ELSEWHERE THE NAPOLEONIC CODE WORKS AGAINST THE PROTECTION OF INDIVIDUAL PRISONER RIGHTS.

D) DENIAL OF FAIR PUBLIC TRIAL. CIVIL CASES ARE HANDLED UNDER FORMAL COURT PROCEDURES, ALTHOUGH THE CASE CONFIDENTIAL

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BACKLOG IS LARGE. CRIMINAL ASSIZES OPEN TO THE PUBLIC RESUMED IN 1975 AFTER A LAPSE OF MANY YEARS AND A THIRD SESSION IS TO BEGIN IN JULY 1977. WHEN PUBLIC TRIALS ARE HELD, DEFENDANTS CAN BE REPRESENTED BY COUNSEL AND PRESENT EVIDENCE IN THEIR DEFENSE. NEWS MEDIA COVER SUCH TRIALS FREELY. THERE ARE INDICATIONS THAT SOME CATEGORIES OF POLITICAL PRISONERS, FORMERLY JUDGED BY SECRET MILITARY TRIBUNALS, MAY BE BROUGHT TO PUBLIC TRIAL, E.G. THE CONSPIRATORS IN THE APRIL 1976 PLOT TO ASSASSINATE PRESIDENT DUVALIER.

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C O N F I D E N T I A L SECTION 2 OF 8 PORT AU PRINCE 2301

STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

E) INVASION OF THE HOME. A COMMON PRACTICE IN
THE 1960'S, NOW INFREQUENT.

2) RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

A) FREEDOM OF THOUGHT, RELIGION, AND ASSEMBLY.

ROMAN CATHOLICISM IS THE ESTABLISHED RELIGION IN HAITI BUT
FREEDOM TO WORSHIP IS NOT RESTRICTED IN ANY WAY IN THE COUN-
TRY. NUMEROUS PROTESTANT SECTS ABOUND AND THE TRADITIONAL
FOLK RELIGION IS PRACTICED EVERYWHERE.

FREEDOM OF EXPRESSION IS CIRCUMSCRIBED. SELF-CENSORSHIP
IMPOSES GUIDELINES ON CRITICISM OF GOVERNMENT LEADERS BUT
NOT ON CRITICISM OF ADMINISTRATIVE DEFICIENCIES OR ABUSES.
IN THE PAST TWO YEARS THE NEWS MEDIA HAVE BEEN INCREASINGLY
OUTSPOKEN IN DEMANDING BETTER PERFORMANCE FROM GOVERNMENT
AGENCIES. THE GOVERNMENT HAS SANCTIONED AND EVEN ENCOURAGED
THIS TREND WITH THE STIPULATION THAT THE CRITICISM BE
"RESPONSIBLE." WITH REGARD TO FOREIGN PUBLICATIONS, GOVERNMENT
CENSORS ROUTINELY SEIZE OR CLIP THOSE ARTICLES THEY CONSIDER
HARMFUL.

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FREEDOM OF ASSEMBLY OR ASSOCIATION FOR POLITICAL PUR-
POSES IN HAITI CONTINUES TO BE DISREGARDED. EVEN THE
DUVALIERIST POLITICAL PARTY HAS ATROPHIED TO VIRTUAL NON-
EXISTENCE AND THERE ARE NO POLITICAL ORGANIZATIONS HAITIANS
ARE EXPECTED TO JOIN.

B) FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL AND EMIGRATION POLICIES. FREEDOM OF MOVEMENT WITHIN
HAITI IS NOT RESTRICTED. THERE ARE NO CONTROLS ON FOREIGN
TRAVEL, ALTHOUGH THE GOVERNMENT DENIES EXIT PERMITS TO
CERTAIN INDIVIDUALS IT WISHES TO KEEP UNDER CLOSE OBSERVA-
TION OR WHOM IT CONSIDERS MIGHT CONSPIRE AGAINST IT IF ALLOWED
TO TRAVEL ABROAD. ALTHOUGH THE GOVERNMENT HAS RECENTLY USED
EXILE AS A FORM OF PUNISHMENT FOR CERTAIN INDIVIDUALS IT
CONSIDERS DANGEROUS, THIS IS ACTUALLY AN IMPROVEMENT OVER
THE INDEFINITE IMPRISONMENT AND/OR ARBITRARY EXECUTION WHICH
SUCH OFFENDERS WOULD HAVE FACED IN THE 1960'S.

C) DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO
PARTICIPATE IN THE POLITICAL PROCESS. UNIVERSAL SUFFRAGE
EXISTS AND LEGISLATIVE ASSEMBLY ELECTIONS ARE HELD PERIODI-
CALLY, BUT BOTH ARE LARGEMLY MEANINGLESS GESTURES IN A COUNTRY
WITH A PRESIDENT-FOR-LIFE AND IN WHICH ONLY HAND-PICKED
DUVALIERIST LOYALISTS ARE ELECTED TO THE ASSEMBLY.

3) RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO
FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND
EDUCATION.

A) AFTER 14 YEARS OF TRAGICALLY MISGUIDED DEVELOPMENT
POLICIES UNDER THE FRANCOIS DUVALIER REGIME, THE GOVERNMENT OF
PRESIDENT JEAN CLAUDE DUVALIER HAS, SINCE 1971, EMBARKED UPON A
SERIOUS EFFORT TO IMPROVE THE CONDITION OF LIFE IN HAITI,
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FOCUSING ON AGRICULTURE, PUBLIC HEALTH, INFRASTRUCTURE AND
LIGHT INDUSTRY. THE GOVERNMENT'S COMMITMENT TO ECONOMIC
DEVELOPMENT WAS ACKNOWLEDGED BY REPRESENTATIVES OF THE
INTERNATIONAL DONOR COMMUNITY IN NOVEMBER, 1972 AND SINCE
THAT TIME A MAJOR INTERNATIONAL EFFORT HAS BEEN MOUNTED TO
HELP THIS POOREST COUNTRY IN THE HEMISPHERE OVERCOME ITS
BACKWARDNESS.

B) AMONG THE POLICIES WHICH HAVE BEEN UNDERTAKEN
IN RESPONSE TO THE NEEDS OF THE POOR IN HAITI ARE: THE
PREPARATION OF A SECOND FIVE YEAR PLAN (1976-1981) WHICH
CONTAINS MANY REALISTIC OBJECTIVES, ALTHOUGH THE LINKAGE OF
PLANS AND RESOURCES REMAINS TENUOUS; A SUBSTANTIAL 134 PER
CENT INCREASE IN THE DEVELOPMENT BUDGET FROM 1971 TO 1975;
BETTER MOBILIZATION OF RESOURCES, E.G. BY CHANNELING 50
PERCENT OF THE PROFITS FROM THE NON-FISCALIZED REGIE DU TABAC
TO DEVELOPMENT PURPOSES; INCREASED INVENTMENT IN THE
AGRICULTURAL SECTOR, WHICH HAS TRADITIONALLY BEEN THE MAJOR
SOURCE FOR FINANCING HAITI'S DEVELOPMENT BUT HAS NEVER
RECEIVED A COMMENSURATE INVESTMENT; A GRADUAL MODIFICATION
OF THE TAX STRUCTURE TO SHIFT TAXES FROM DOMESTICALLY PRODUCED
COMMODITIES TOWARD IMPORTS OF LUXURY ITEMS AND TOWARD NON-
ESSENTIAL FOODS, INCOME AND PROPERTY; AND GREATER COMMITMENT
TO FAMILY PLANNING AND TO THE DEVELOPMENT OF A RURAL HEALTH
DELIVERY SYSTEM DESIGNED TO PROVIDE BASIC PREVENTIVE MEDICAL
SERVICES TO THE ISOLATED RURAL AREAS.

C) POLICY EXECUTION, HOWEVER, REMAINS GRAVELY
HAMPERED BY WEAK ADMINISTRATIVE STRUCTURES AND BY LACK OF
DOMESTIC FINANCIAL RESOURCES. PROGRESS TOWARD EFFECTIVE
IMPROVEMENT OF THE CONDITION OF THE RURAL MAJORITY, WHICH
HAS AN AVERAGE LABOR INCOME OF \$55 A YEAR, REMAINS PAINFULLY
SLOW AND SOME REGIONS, SUCH AS NORTHWEST HAITI, ARE SUBJECT
TO RECURRENT, SEVERE DROUGHTS REQUIRING INTERNATIONAL RELIEF
EFFORTS. THE DIFFERENTIAL BETWEEN THE LIVING STANDARDS OF
THE RURAL HAITIANS AND THOSE IN THE URBAN PORT-AU-PRINCE
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AREA HAS WIDENED IN THE LAST FIVE YEARS.

AT THE SAME TIME, IT IS FAIR TO SAY THAT ANY HAITIAN GOVERNMENT WOULD BE HARD PRESSED TO QUICKLY OVERCOME THE SET OF CONSTRAINTS ON DEVELOPMENT THAT HAVE EVOLVED SINCE HAITI'S INDEPENDENCE IN 1804. AMONG THESE CONSTRAINTS ARE: A HIGHLY FRAGMENTED LAND TENURE SYSTEM CONDUCTIVE TO SUBSISTENCE AGRICULTURE AND OVER-POPULATION; INTENSE FARMER CONSERVATISM WHICH MAKES FARMERS RELUCTANT TO CHANGE LAND USE PRACTICES UNLESS THEY ARE ABSOLUTELY CERTAIN THAT THE RISKS OF CHANGE ARE LOW; HIGH POPULATION DENSITY ON LIMITED ARABLE LAND, CREATING PRESSURES TO FARM MOUNTAINOUS LAND AND ACCELERATING THE PACE OF EROSION; A RIGID CLASS STRUCTURE; A SCHISM BETWEEN THE URBAN AND RURAL SECTORS; THE HIGH LEVEL OF ILLITERACY (ABOUT 80 PER CENT); THE DIFFICULTY OF DEVISING A RURAL EDUCATION SYSTEM ADAPTABLE TO THE NEEDS OF THE CREOLE-SPEAKING MAJORITY; AND THE ABSENCE OF SIGNIFICANT MINERAL RESOURCES (RECENT OFFSHORE OIL

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C O N F I D E N T I A L SECTION 3 OF 8 PORT AU PRINCE 2301

STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

EXPLORATION PROVED ABORTIVE).

D) CORRUPTION HAS LONG BEEN ENDEMIC IN HAITIAN GOVERNMENT. AN ANTIQUATED SALARY SYSTEM ANCHORED IN THE CONSTITUTION HAS GIVEN GOVERNMENT EMPLOYEES NO RAISE FOR THE LAST 15 YEARS, DESPITE AN INFLATION WHICH IN THE LAST THREE

YEARS HAS REDUCED THEIR SALARIES BY AT LEAST 30 PERCENT. COMPELLED TO SEEK SECOND OR EVEN THIRD JOBS, AND TEMPTED TO USE THE PERQUISITES OF OFFICE TO ADVANCE THEIR PERSONAL FORTUNES, HAITIAN GOVERNMENT OFFICIALS ARE CHRONICALLY VULNERABLE TO CORRUPTION. AT THE SAME TIME, IN RECENT YEARS THERE HAS BEEN AN EFFORT TO PUNISH THE MOST FLAGRANT CASES. THE NOTORIOUSLY CORRUPT REGIE DU TABAC DIRECTOR HENRI SICLAIR WAS SUMMARILY EXILED FROM HAITI (SEPTEMBER 1976), AND HIS EXTENSIVE ASSETS WERE CONFISCATED. IN THE LAST MONTH PRESIDENT DUVALIER HAS DISMISSED OVER 40 OFFICIALS IN VARIOUS MINISTRIES ON CHARGES OF CORRUPTION. RECENT CABINET APPOINTMENTS HAVE STRENGTHENED THE TREND TOWARD REDUCING PRIVILEGE AND REWARDING COMPETENCE, BUT AT LOWER LEVELS ONLY SALARY REFORM ON A SCALE BEYOND PRESENT STATE RESOURCES COULD CHECK THE EXTENT OF

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CORRUPTION IN AN INFLATION-RACKED ECONOMY. EVEN WITH THIS PROBLEM, HOWEVER, RESOURCES ARE GRADUALLY GETTING TO THE PEOPLE WHO MOST NEED HELP, AND BOTH PROJECT DESIGN AND AUDITING CONTROLS APPEAR REASONABLY EFFECTIVE IN CHANNELING RESOURCES TO THEIR TARGETS.

4) LEVEL OF GOVERNMENT RESPONSIBILITY FOR HUMAN RIGHTS RECORD.

A) THE BASIC REASON FOR THE JEAN CLAUDE DUVALIER GOVERNMENT'S IMPROVED HUMAN RIGHTS RECORD IS THE REALIZATION AFTER DR. DUVALIER'S DEATH THAT ARBITRARY ABUSE OF HUMAN RIGHTS, CLASS WARFARE AGAINST THE MULATTO BOUREOISIE, AND NEGLECT OF THE RURAL AREAS, HAD LED HAITI TO A DEAD END. DURING THE MID-1960'S THERE WAS NEGATIVE GROWTH IN THE AGRICULTURAL SECTOR. THREE DEVASTATING HURRICANES AND RECURRENT DROUGHTS COMPOUNDED THE MISERY. THE EXODUS OF QUALIFIED ADMINISTRATORS AND TECHNICIANS, THE FLIGHT OF CAPITAL, THE LOW LEVEL OF BUSINESS ACTIVITY, THE SCARCITY OF FOREIGN INVESTMENT, AND POLITICAL ISOLATION IN THE HEMISPHERE PRESENTED A BLEAK PICTURE TO THOSE WHO SUCCEEDED FRANCOIS DUVALIER IN 1971.

B) MOREOVER, THE CONNECTION BETWEEN HUMAN RIGHTS VIOLATIONS IN HAITI AND OUTSIDE ASSISTANCE HAD ALREADY BEEN MADE PAINFULLY CLEAR TO THE REGIME BY THE WITHDRAWAL IN 1963 OF THE U.S. AID MISSION IN HAITI; BY THE SAME TOKEN THE RESTORATION OF EXTERNAL ASSISTANCE IN 1972 BY THE U.S. AND OTHER DONORS WAS PREDICTED UPON CONTINUED IMPROVEMENTS IN THE HUMAN RIGHTS ACCORD.

C) SINCE THAT TIME THE GOVERNMENT HAS ARTICULATED HUMAN RIGHTS IMPROVEMENTS AS PART OF A POLICY OF "NATIONAL

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RECONCILIATION" BETWEEN THE BLACK MAJORITY AND THE MULATTO BOURGEOISIE, AND BETWEEN THE PRESENT GOVERNMENT AND ITS FORMER OPPONENTS. THE "ECONOMIC REVOLUTION" HAS REPLACED THE "POLITICAL REVOLUTION" IN THE POLITICAL LEXICON, AND CONSIDERABLE SUBSTANCE TO THE NEW COMMITMENT IS REVEALED IN THE FORMULATION OF NATIONAL POLICIES, THE SELECTION OF CABINET MINISTERS, THE TRENDS OF BUDGETARY ALLOCATIONS, THE PROVISION OF FINANCIAL COUNTERPART, AND THE EFFORTS AT ADMINISTRATIVE REFORM. THE RECONCILIATION POLICY IS ARTICULATED REGULARLY WHEN THE ANNUAL AMNESTIES OF COMMON LAW AND POLITICAL PRISONERS ARE ANNOUNCED. PRESIDENT DUVALIER PERSONALLY ENCOURAGES "RESPONSIBLE" MEDIA CRITICISM OF ADMINISTRATIVE SHORTCOMINGS.

D) THE POLICY OF ARBITRARY ARREST OF SUSPECTED SUBVERSIVES AND THEIR PROLONGED DETENTION WITHOUT TRIAL OR ACCESS TO RELATIVES IS PRIVATELY JUSTIFIED ON THE GROUNDS THAT HAITI CONTINUES TO BE THE OBJECT OF SUBVERSIVE EFFORTS ORGANIZED BY HAITIAN EXILES AND BY VARIOUS COMMUNIST ORGANIZATIONS OR COUNTRIES, NOTABLY CUBA AND THE USSR. VIGILANCE AGAINST SUCH ENEMIES IS REGARDED AS AN ELEMENTARY PRECAUTION AND REQUESTS FOR INFORMATION ABOUT DETAINEES ARE OFTEN REJECTED ON THE GROUNDS THAT SUCH INFORMATION WOULD PROVIDE VALUABLE INTELLIGENCE FOR THE OPPOSITION. SUCH A RATIONALE, ALTHOUGH IT MAY EXAGGERATE THE EXTENT OF THE COMMUNIST CONSPIRACY AGAINST THIS REGIME, CANNOT BE DISMISSED AS FANTASY OR PARANOIA. IRRECONCILABLE EXILES IN NEW YORK AND ELSEWHERE ARE WELL FINANCED, SOMETIMES HAVE LINKS WITH CUBA, AND CONTINUE TO PLOT THIS GOVERNMENT'S OVERTHROW (WITNESS THE RECENT ARREST OF FOUR HAITIAN CONSPIRATORS HEADED BY COL LEON IN NEW JERSEY). IN APRIL 1976, ONE OF THESE PLOTS ALMOST CAME TO FRUITION BUT THE CONSPIRATORS WERE DISCOVERED IN A SHOOTOUT IN A PORT AU PRINCE SUBURB AND A NUMBER OF THOSE ARRESTED AWAIT TRIAL. ON THE OTHER HAND, DENIAL OF INFORMATION ON PRISONERS TO THEIR FAMILIES AND ACCESS TO COUNSEL FOR MONTHS AND EVEN YEARS AFTER THE EVENT EXCEEDS REASONABLE CRITERIA FOR INTERNAL CONFIDENTIAL

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SECURITY.

E) A JUSTIFICATION FOR THE REFUSAL TO MAKE AN ACCOUNTING OF THOSE MANY PRISONERS WHO DIED IN JAIL DURING THE DR. DUVALIER REGIME IS THAT TO DO WOULD CONDEMN THE LATE PRESIDENT AS A DESPOT AND WOULD TEND TO DAMAGE HIS SON'S AUTHORITY. ALTHOUGH THIS ARGUMENT HAD VALIDITY IN THE YEARS

IMMEDIATELY FOLLOWING DR. DUVALIER'S DEATH, WE CONSIDER THAT IT HAS LOST MUCH OF ITS FORCE WITH THE PASSAGE OF TIME AND WITH THE INCREASING ACCEPTANCE (IN HAITI, AT LEAST) OF JEAN- CLAUDE DUVALIER. WE THEREFORE THINK THAT THE GOVERNMENT COULD NOW AFFORD TO RELEASE THE NAMES OF THOSE WHO IT KNOWS PERISHED IN PRISON, IN RESPONSE TO REQUESTS BY FAMILY MEMBERS, WITHOUT RISKING SERIOUS POLITICAL CONSEQUENCES. A CAREFUL POLICY OF DISCLOSURE, AT LEAST TO THE EXTENT AVAILABLE RECORDS PERMIT, WOULD CONTRIBUTE TO THE POLICY OF NATIONAL RECONCILIATION AND WOULD EASE THE DIFFICULT LEGAL SITUATION OF MANY FAMILIES WHO ARE UNABLE TO SETTLE THEIR AFFAIRS BECAUSE THE

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STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

STATUS OF THEIR RELATIVES REMAINS IN JUDICIAL LIMBO. HOWEVER, THIS ISSUE REMAINS HIGHLY CONTENTIOUS WITHIN THE PALACE, AND THE OPPONENTS OF DISCLOSURE THUS FAR HAVE PREVAILED.

F) A JUSTIFICATION FOR POOR PRISON CONDITIONS IS THE LACK OF BUDGETARY RESOURCES FOR ALL GOVERNMENT DEPARTMENTS AND THE ENORMOUS DEMAND FOR RESOURCES BY THE LAW-ABIDING MAJORITY. THIS ARGUMENT, HOWEVER, IS UNPERSUASIVE WHEN IT IS CONSIDERED THAT A SUBSTANTIAL IMPROVEMENT IN PRISON CONDITIONS COULD BE OBTAINED BY RELATIVELY MARGINAL INCREASES IN BUDGETING AND BY A NUMBER OF RELATIVELY SIMPLE ADMINISTRATIVE MEASURES, SUCH AS MORE FREQUENT EXERCISE PERIODS AND OPPORTUNITIES FOR COMMUNICATION WITH FAMILY MEMBERS. IN POINT OF FACT, IMPROVEMENTS IN PRISON CONDITIONS HAVE BEEN INSTITUTED OVER THE PAST YEAR

OR SO, AFFECTING MEDICAL CARE, QUALITY OF FOOD AND CONTACT WITH RELATIVES.

G) FINALLY, THE FREQUENTLY LONG LAPSE BETWEEN DETENTION AND TRIAL IS EXPLAINED BY THE ARCHAIC LEGAL CODES BASED ON THE NAPOLEONIC CODE AND BY THE SHORTAGE OF QUALIFIED PERSONNEL IN

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THE COURTS AND PRISON ADMINISTRATION. THERE IS MUCH TRUTH IN THIS RATIONALE BUT THE PRESIDENT'S ORDERS HAVE BEEN EFFECTIVE IN SPEEDING UP THE JUDICIAL PROCESSES AND RELEASING THOSE KEP IN PREVENTIVE DETENTION FOR EXCESSIVE PERIODS. MORE COULD BE DONE IN THIS DIRECTION.

5) INDEPENDENT, OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS.

A) THE HAITIAN GOVERNMENT HAS BEEN GENERALLY UNWILLING TO ALLOW INDEPENDENT OUTSIDE INVESTIGATIONS OF ALLEGED HUMAN RIGHTS VIOLATIONS. IN RECENT YEARS IT RESPONDED TO ONE INQUIRY FROM THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) AND IGNORED ANOTHER. IN THE ONE CASE IN WHICH IT DID RESPOND, THE GOVERNMENT SAID THE POLICE RECORD MADE NO MENTION OF THE ARREST OF THE PERSON IN QUESTION ON THE GIVEN DATE AND WENT ON TO DENOUNCE EXILES SEEKING TO DISCREDIT HAITI AND FURTHER THEIR OWN AMBITIONS BY SUBMITTING "IMAGINARY NAMES" TO THE IAHRC.

B) THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) WAS PERMITTED BY THE GOVERNMENT TO VISIT THE NATIONAL PENITENTIARY IN FEBRUARY 1976. THE VISIT WAS CONFIDENTIAL, HOWEVER, AND THE ICRC'S REPORT WAS MADE AVAILABLE ONLY TO PRESIDENT DUVALIER. ACCORDING TO EYEWITNESSES WHO WERE IN THE NATIONAL PENITENTIARY AT THE TIME OF THE ICRC VISIT, CONDITIONS WERE TEMPORARILY IMPROVED JUST PRIOR TO THE ICRC VISIT AND SOME OF THE PRISONERS IN THE WORST CONDITION WERE HIDDEN AND THEIR PLACES TAKEN BY POLICEMEN.

C) THE NAME OF AMNESTY INTERNATIONAL IS A "RED FLAG" TO THE GOVERNMENT. THIS IS PARTLY BECAUSE OF MANY OF THE PRISONERS WHOSE CAUSES AMNESTY INTERNATIONAL ADVOCATES ARE

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LEFTISTS OR COMMUNISTS WHOM THE GOVERNMENT PERCEIVES AS SERIOUS THREATS TO THE REGIME. AMNESTY INTERNATIONAL HAS ALSO DAMAGED ITS CREDIBILITY IN HAITI BY THE STRIDENCY AND EXAG-

GERATIONS OF ITS ANNUAL REPORTS WHICH DO NOT TAKE INTO ACCOUNT THE REAL IMPROVEMENTS OF RECENT YEARS.

D) REQUESTS BY THE RESIDENT PAPAL NUNCIO TO VISIT INDIVIDUAL PRISONERS ABOUT WHOM HE HAS RECEIVED INQUIRIES HAVE BEEN TURNED DOWN OR IGNORED.

E) IN SPITE OF THIS NEGATIVE RECORD THE GOVERNMENT IS BECOMING SLOWLY AWARE OF ITS PUBLIC RELATIONS PROBLEM ON HUMAN RIGHTS AND MAY BE WILLING TO CONSIDER IN THE FUTURE ACCEPTING VISITS FROM INDEPENDENT OUTSIDE ORGANIZATIONS IT CONSIDERS WOULD PRODUCE A FAIR AND BALANCED APPRAISAL OF CONDITIONS. AS THE RECENTLY DECREED IMPROVEMENTS IN JUDICIAL ADMINISTRATION AND PRISON CONDITIONS ACTUALLY TAKE EFFECT, THIS WILLINGNESS SHOULD INCREASE.

B. ANALYSIS AND RECOMMENDATIONS

1. OBJECTIVES AND METHODS OF ACHIEVING THEM.

(A) NEAR TERM OBJECTIVES: INTEGRITY OF THE PERSON.

(I) ALLOW OUTSIDE INDEPENDENT INSPECTION TO VERIFY TREATMENT OF PRISONERS. THIS IS ESSENTIAL IF HAITI IS TO OBTAIN CREDIT FOR IMPROVEMENTS ALREADY MADE AND IF REFORMS ARE TO BE HASTENED. THE GOVERNMENT WILL WANT TO EXERCISE CONSIDERABLE CONTROL OVER ANY OUTSIDE INVESTIGATION. THE LIBERAL HAITIAN CONSTITUTION MIGHT PROVE OUR ALLY. THE GOH SHOULD BE ENCOURAGED TO APPOINT ITS OWN COMMISSION ON INDIVIDUAL RIGHTS TO ASSURE APPLICATION OF THE CONSTITUTION IN THIS AREA; THE COMMISSION COULD THEN ASK INTERNATIONAL ORGANIZATIONS SUCH AS THE IAHRC, THE ICRC OR THE ICJ FOR "ADVICE" IN HELPING IT PREPARE FOR A FULL-SCALE VISIT. GOH RECEPTIVITY

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TO AN OUTSIDE INSPECTION WILL DEPEND, IN PART, ON PROGRESS MADE IN FIVE OTHER AREAS WHICH ARE RANKED IN A DESCENDING SCALE OF IMPORTANCE AND FEASIBILITY IN THE SHORT TERM.

(II) ENSURE THAT NO PRISONERS ARE HELD WITHOUT CHARGES OR TRIAL. THIS IS AN ITEM ON WHICH WE CAN LEGITIMATELY EXPECT TO MAKE SOME PROGRESS. WE CAN TALK ABOUT IT IN GENERAL TERMS WITH THE PRESIDENT AND THE MINISTERS OF JUSTICE, INTERIOR AND FOREIGN AFFAIRS. WE CAN CONTINUE TO REFER CONGRESSIONAL INQUIRIES TO THE FOREIGN MINISTRY FOR COMMENT, BUT THIS MIGHT BE COUNTER-PRODUCTIVE IF IT BECAME A FLOOD. WITHIN TWELVE MONTHS WE SHOULD SEEK TO HAVE THE GOVERNMENT ANNOUNCE, PERHAPS THROUGH THE VEHICLE OF A COMMISSION, THAT AGENCIES ARE INSTRUCTED TO

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STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

OBSERVE THESE EXPLICIT PRINCIPLES OF THE HAITIAN CONSTITUTION.

(III) PROVIDE MINIMUM STANDARDS OF NUTRITION, SANITATION, AND MEDICAL CARE FOR ILL PRISONERS. THIS IS ANOTHER ITEM ON WHICH PROGRESS CAN BE MADE IN THE SHORT TERM, ALTHOUGH FOR THE GOVERNMENT TO OBTAIN CREDIT A FIRST-HAND REPORT BY A RESPECTED INTERNATIONAL ORGANIZATION WOULD BE NECESSARY. RESOURCES ARE SCARCE, HOWEVER, AND WE CONNOT WXPECT THAT PROVINCIAL JAILS WILL SOON BE BROUGHT UP TO AN ACCEPTABLE STANDARD. THE GOVERNMENT SHOULD, IN ANY CASE, BE ENCOURAGED TO ANNOUNCE THE COMPLETION OF THE NEW DETENTION CENTER AT FORT DIMANCHE AND THE MEASURES ADOPTED FOR MORE ENLIGHTENED PRISON ADMINISTRATION.

(IV) ALLOW PRISONERS TO SEND AND RECEIVE MAIL. THERE ARE ALREADY A FEW INDIVIDUAL CASES IN WHICH THIS HAS BEEN ALLOWED BUT IN THOSE FEW CASES WHERE PERMISSION HAS BEEN GRANTED IT HAS OFTEN CEASED SHORTLY THEREAFTER. IT AFFECTS MOSTLY LITERATE PRISONERS, ALTHOUGH EDUCATED PRISONERS COULD READ AND WRITE LETTERS FOR ILLITERATE COLLEAGUES. IT POSES AN ADMINISTRATIVE CONFIDENTIAL

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PROBLEM BECAUSE THE GOVERNMENT WOULD WISH TO READ AND

CENSOR ALL CORRESPONDENCE, A BURDEN WHICH WOULD HAVE TO BE ASSUMED BY EDUCATED OFFICERS. AN ANNOUNCED POLICY THAT PRISONERS COULD EXCHANGE, SAY, ONE LETTER A MONTH WITH THEIR FAMILIES WOULD BE A SIGNIFICANT IMPROVEMENT.

(V) ALLOW VISITATION OF PRISONERS BY FAMILY MEMBERS AND LEGAL COUNSEL OF THEIR CHOICE. THE GOH IS ALSO MORE LIKELY TO BE WILLING TO ALLOW FAMILY VISITS THAN VISITS BY LAWYERS, ESPECIALLY TO POLITICAL PRISONERS. AN ANNOUNCED POLICY OF MONTHLY VISITS BY FAMILY MEMBERS IS A GOAL WE SHOULD CONTINUE TO PRESS FOR IN OUR REGULAR CONTACTS AND MIGHT BE AN APPROPRIATE TOPIC FOR INTERNATIONAL HUMANITARIAN ORGANIZATIONS TO CONCENTRATE ON.

(VI) REINSTATE THE LONG-ABANDONED PROGRAM OF USING THIRD-YEAR LAW STUDENTS TO DEFEND INDIGENT MINOR CRIMINAL OFFENDERS. THIS IS AN ITEM FOR WHICH WE ARE DESIGNING AN AID ASSISTANCE PROGRAM WHICH WE PLAN TO HAVE READY FOR PRESENTATION TO THE GOH WITHIN THE NEXT 6 TO 9 MONTHS.

(B) LONG TERM OBJECTIVES: INTEGRITY OF THE PERSON.

(I) SIGNIFICANTLY REDUCE BRUTALITY IN PRISONS. THIS IS AN AREA WHICH HAS ALREADY WITNESSED CONSIDERABLE IMPROVEMENT. THE GOVERNMENT IS PUBLICLY COMMITTED TO BETTER STANDARDS. SECURITY OFFICERS, HOWEVER, CONTINUE TO BEAT AND ABUSE PRISONERS, WITH THESE ABUSES PROBABLY MOST FREQUENT AT THE LOWEST LEVELS OF THE POLICE STRUCTURE AND IN RURAL AREAS. IN PRIVATE REPRESENTATIONS WE SHOULD MAKE APPROPRIATE REFERENCE TO HAITI'S RECENT VOTE IN FAVOR OF THE OAS RESOLUTION STATING THAT THERE ARE NO CIRCUMSTANCES WHICH CAN JUSTIFY TORTURE, SUMMARY EXECUTION, OR

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PROLONGED IMPRISONMENT WITHOUT JUDGEMENT. FROM TIME TO TIME WE SHOULD BRING ALLEGATIONS OF BRUTAL TREATMENT TO THE ATTENTION OF HAITIAN AUTHORITIES FOR SORRECTION (ALTHOUGH WE SELDOM HAVE INDIVIDUALS IDENTIFIED AND USUALLY LEARN OF SUCH INSTANCES LONG AFTER THE EVENT).

(II) ACCOUNT FOR PRISONERS, ALIVE OR DECEASED, IN RESPONSE TO SPECIFIC REQUESTS FROM THEIR FAMILIES. PART OF THE PROBLEM FOR FAMILIES WHOSE RELATIVES DISAPPEARED YEARS AGO IS THE LEGAL LIMBO IN WHICH THEY LIVE IN TERMS OF MARRIAGE STATUS, INHERITANCE, PROPERTY RIGHTS, ETC. PROCLAMATION OF A LEGAL PRESUMPTION OF DEATH AFTER DISAPPEARANCE FOR A SPECIFIED NUMBER OF YEARS MIGHT HELP IN THIS REGARD. A PUBLIC ACCOUNTING FOR PERSONS WHO DISAPPEARED IN THE 1960'S REMAINS POLITICALLY DIFFICULT, IF NOT IMPOSSIBLE, FOR THE GOVERNMENT, ALTHOUGH A POLICY OF PRIVATE DIS-

CLOSURE AND LEGAL DECLARATION OF DEATH WOULD NOW SEEM POLITICALLY FEASIBLE.

(C) LEVERAGE: INTEGRITY OF THE PERSON.

(I) QUIET DIPLOMACY -- THE AMBASSADOR'S DISCUSSIONS WITH THE PRESIDENT AND MINISTERS OF FOREIGN AFFAIRS, JUSTICE, AND INTERIOR, SUPPLEMENTED BY CONTACTS OF OTHER EMBASSY OFFICERS -- IS MOST EFFECTIVE FORM OF LEVERAGE IN HAITI, WHERE SOVEREIGNTY IS JEALOUSLY GUARDED, THE U.S. "BIG STICK" IS REMEMBERED, AND ANY SUGGESTION OF RACIAL DISCRIMINATION IS RESENTED.

(II) MILITARY AND ECONOMIC ASSISTANCE LEGISLATION CAN ONLY BE USED IN A GENERAL WAY. ALTHOUGH BOTH CONTAIN CLAUSES LIMITING AID TO COUNTRIES WHICH ENGAGE IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS, HAITI IS NOT YET IN VIOLATION OF THEM. NEVERTHELESS, HAITIANS ARE AWARE OF THESE LEGISLATIVE RESTRICTIONS AND CAN BE REMINDED OF THEM FROM TIME TO TIME.

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(III) MOREOVER, THE GOALS OF OUR ECONOMIC ASSISTANCE RESTRICTS THE LEVERAGE WE CAN EXERT ON HUMAN RIGHTS. OUR DEVELOPMENT ASSISTANCE IS PROGRAMMED TO HELP THE POOR AS DIRECTLY AS POSSIBLE. OUT TITLE II FOOD PROGRAMS ARE AIMED AT THE NEEDY, IN FACT AT THE HUNGRY. DISASTER RELIEF, AND HAITI SUFFERS FROM ALMOST CHRONIC DISASTER, IS ESSENTIALLY APOLITICAL.

(IV) OUR PROGRAM OF TITLE I FOOD SALES ON LONG TERM CREDIT OFFERS A MARGINALLY GREATER OPPORTUNITY TO EXERT LEVERAGE, SINCE IT IS A FORM OF MACRO-ECONOMIC SUPPORT PROVIDING BALANCE OF PAYMENTS AND BUDGET ASSISTANCE. FURTHER PROGRESS IN HUMAN RIGHTS COULD BE ACKNOWLEDGED, INDIRECTLY, BY ANNOUNCING HAITI'S INCLUSION IN THE "CORE" COUNTRY GROUP AND, DEPENDING ON THE EXACT LANGUAGE OF PENDING LEGISLATION, BY INCLUDING HAITI IN THE "FOOD FOR DEVELOPMENT" PROGRAM WITH ITS JOINT DEVELOPMENT PLANNING OF USE OF COUNTERPART AND RESULTANT DEBT FORGIVENESS FEATURES.

(V) INCREASED DIRECT CONGRESSIONAL INTEREST IN HAITI WOULD BE USEFUL BOTH IN STIMULATING THE GOVERNMENT TO ACTION AND IN REMINDING IT THAT THE PUBLIC PERCEPTION OF HAITI IN THE

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C O N F I D E N T I A L SECTION 6 OF 8 PORT AU PRINCE 2301

STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

U.S. IS OF PARAMOUNT IMPORTANCE IN DETERMINING POLICY.

FOR OUR PART WE CAN ASSURE THE GOH THAT WE WILL PUBLICLY
INFORM CONGRESS OF SPECIFIC IMPROVEMENTS MADE IN HAITI.

(VI) HIGH-LEVEL USG VISITS CAN BE USEFUL, ALTHOUGH THEY
SHOULD NOT BE EXPLICITLY LINKED TO ANY SPECIFIC HUMAN
RIGHTS IMPROVEMENT. PRESIDENT DUVALIER WOULD LIKE TO
VISIT THE UNITED STATES AND HAS ASKED PRESIDENT CARTER
TO VISIT HAITI. WE SUGGEST A VISIT BY UN AMBASSADOR
ANDREW YOUNG IN 1977.

(VII) WE CAN EXPECT SOME INTERNATIONAL SUPPORT, ESPECIALLY FROM
CANADA, FRANCE, WEST GERMANY, ISRAEL AND THE HOLY SEE -- ALL OF
WHICH HAVE BOTH INTERESTS AND REPRESENTATION IN HAITI--FOR
OUR INTERESTS IN HUMAN RIGHTS. THE LOCAL REPRESENTATIVES
OF THE LENDING AGENCIES LOOK ON THEMSELVES MORE AS
TECHNICIANS AND EXECUTORS OF THEIR INSTITUTIONS' COMMITMENTS.
SUPPORT FROM THIS QUARTER WILL DEPEND MORE ON REPRESENTATIONS
IN THE PARENT BODIES, BUT THEIR APPROACHES SHOULD BE HANDLED
CAREFULLY TO AVOID CREATING THE IMPRESSION OF "GANGING UP"

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ON IT, OR SINGLING OUT HAITI FOR SPECIAL CENSURE WHEN CUBA,
FOR EXAMPLE, IS NOT RECEIVING THE SAME TREATMENT.

(VIII) AS INDICATED IN PART A, HAITI MAY BE MORE RECEPTIVE IN THE FUTURE TO INQUIRIES FROM REPUTABLE INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. ALTHOUGH ITS ONE RESPONSE TO THE IAHRC WAS NOT FORTHCOMING, INQUIRIES ON BEHALF OF MORE RECENTLY IMPRISONED PERSONS ABOUT WHOM THE GOH MUST HAVE INFORMATION MIGHT ELICIT MORE POSITIVE RESPONSES. THE GOH SUPPORTED THE U.S. HUMAN RIGHTS RESOLUTION AT THE RECENT OASGA. THE INTERNATIONAL RED CROSS SHOULD BE ENCOURAGED TO CONTINUE ITS PRISON INSPECTIONS AND TO URGE PRESIDENT DUVALIER TO ALLOW IT TO MAKE ITS REPORTS PUBLIC. THE UN HUMAN RIGHTS COMMISSION MIGHT ALSO BE ABLE TO PLAY A ROLE.

(D) NEAR TERM OBJECTIVES: FREEDOM OF EXPRESSION.

(I) WITH REGARD TO RESPECT FOR CIVIL AND POLITICAL LIBERTIES, WE BELIEVE THE MOST IMPORTANT OBJECTIVE OVER THE NEXT 12 MONTHS IS TO CONSOLIDATE AND STRENGTHEN THE TREND TOWARD MORE OBJECTIVE ANALYSIS BY HAITIAN MEDIA OF HAITI'S ECONOMIC, ADMINISTRATIVE AND SOCIAL PROBLEMS. THE INCREASING COURAGE OF THE MEDIA IN DISCUSSING SHORTCOMINGS OF POLICY AND EXECUTION WHICH WERE LONG TABOO IN HAITI SHOULD BE ENCOURAGED SINCE IT IS A VITAL COMPONENT IN MAKING GOVERNMENT OFFICIALS BETTER INFORMED OF PROBLEMS AND MORE SENSITIVE TO THEIR RESPONSIBILITIES TO TAKE REMEDIAL ACTION. IN FACT, GIVEN THE ABSENCE OF A LEGITIMATE POLITICAL OPPOSITION IN HAITI, THE FOURTH ESTATE IS THE NEAREST SUBSTITUTE.

(II) WE JUDGE THAT THIS OBJECTIVE IS WELL WITHIN THE RANGE OF FEASIBILITY BECAUSE THE GOVERNMENT AS A WHOLE HAS RECOGNIZED BOTH EXPLICITLY AND IMPLICITLY THAT A SUBSERVIENT OR

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HYPOCRITICAL PRESS IS WORTHLESS IN THE BATTLE FOR ECONOMIC DEVELOPMENT. THE GOVERNMENT HAS ALSO COME TO REALIZE THAT THE MOST OUTSPOKEN MEDIA LEADERS STILL OBSERVE A ROUGH CODE OF SELF-CENSORSHIP WHICH STOPS SHORT OF EGREGARIOUS OR INFLAMMATORY CRITICISM OF THE SENIOR LEADERSHIP. BOTH THE GOVERNMENT AND THE PRESS SEEM REASONABLE CONFORTABLE WITH THE FORMULA OF "CONSTRUCTIVE" CRITICISM OF SHORT- COMINGS AND ABUSES FROM THE STANDPOINT OF A CONCERNED AND PATRIOTIC CITIZEN, COUPLED WITH APPROPRIATE DOSES OF PRAISE FOR THE GOVERNMENT'S ACCOMPLISHMENTS AND PLEDGES.

(III) OUR LEVERAGE IS SUBSTANTIAL THROUGH OUR PUBLIC INFORMATION PROGRAMS AND THROUGH OUR ECONOMIC ASSISTANCE. THE GOVERNMENT UNDERSTANDS THE RELATIONSHIP BETWEEN A POLICY OF RELATIVE TOLERANCE FOR AN OUTSPOKEN PRESS AND RADIO AND THE CONTINUATION OF OUR ECONOMIC ASSISTANCE PROGRAMS. OUR OCCASIONAL DEMARCHE WHEN MEDIA REPRESENTATIVES HAVE BEEN THREATENED FOR EXCESSIVE COVERAGE OF HUMAN RIGHTS ISSUES,

FOR EXAMPLE, HAVE SERVED TO WARN THE GOVERNMENT OF OUR STRONG INTEREST IN CONTINUED TOLERATION FOR A DEGREE OF MEDIA FREEDOM.

(IV) ON INTERNATIONAL SUPPORT WE WOULD PROBABLY NOT BE ABLE TO GENERATE MUCH ENTHUSIASM FOR ANY INTERCESSIONS IN THE CASE OF A CRACKDOWN ON THE PRESS, ALTHOUGH WE COULD USE THE INTERAMERICAN ASSOCIATION OF JOURNALISTS AND PERHAPS THE OAS HUMAN RIGHTS COMMISSION SHOULD SOME SERIOUS ACT OF REPRESSION TAKE PLACE AGAINST REPRESENTATIVES OF THE MEDIA.

WE RECOMMEND THE CONTINUATION OF OUR PRESENT APPROACH INVOLVING EXTENSIVE DISTRIBUTION OF TEXTS RELATING TO HUMAN RIGHTS IN DEVELOPMENT ISSUES TO OPINION LEADERS IN AND OUT OF THE GOVERNMENT, EXTENSIVE BUT INFORMAL EMBASSY CONTACTS WITH KEY MEDIA REPRESENTATIVES, DISCUSSIONS AS APPROPRIATE WITH GOVERNMENT LEADERS ON DEVELOPMENTS AFFECTING THE MEDIA, EXPRESSIONS OF CONCERN TO SELECTED GOVERNMENT OFFICIALS IN THE EVENT OF THREATS

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BY THE SECURITY SERVICES TO INDIVIDUAL JOURNALISTS, INCLUSION OF JOURNALISTS IN EXCHANGE PROGRAMS AND OCCASIONAL PRESS INTERVIEWS BY THE AMBASSADOR COVERING HUMAN RIGHTS AND OTHER RELEVANT QUESTIONS. WE JUDGE THAT SUCH AN APPROACH WILL BE EFFECTIVE WITHOUT AROUSING THE ANTAGONISM OF THE SECURITY SERVICES OR SUBJECTING THE BOLDER MEDIA REPRESENTATIVES TO REPRISALS.

(E) LONG TERM OBJECTIVES: BASIC HUMAN NEEDS.

(I) OUR OBJECTIVES WITH RESPECT TO GOVERNMENTAL POLICIES ON MEETING BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION CAN BE SUMMED UP BRIEFLY: TO OBTAIN MORE EFFECTIVE MOBILIZATION OF HUMAN AND FINANCIAL RESOURCES FOR THE PURPOSES OF ECONOMIC AND SOCIAL DEVELOPMENT; TO STRENGTHEN LOCAL RESPONSIBILITY AND AUTHORITY IN THE DEVELOPMENTAL PROCESS (COMMUNITY COUNCILS); TO EXPAND THE REACH OF EDUCATION AND TRAINING TO THE CREOLE-SPEAKING MAJORITY IN THE RURAL AREA; AND TO IMPROVE THE NUTRITION AND HEALTH CARE SERVICES, PARTICULARLY IN RURAL AREAS. FURTHER DISCUSSION OF OUR AID STRATEGY MAY BE FOUND IN THE

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STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

CURRENT DEVELOPMENT ASSISTANCE PROGRAM (DAP). WE CONSIDER THESE OBJECTIVES FEASIBLE PROVIDED PRACTICAL STEPS ARE TAKEN TO RESOLVE THE ABSORPTIVE CAPACITY PROBLEM AND THAT EXTERNAL AID IS COORDINATED MORE EFFECTIVELY AMONG ALL DONORS.

(II) U.S. LEVERAGE TO ACHIEVE THESE OBJECTIVES IS SUBSTANTIAL BY VIRTUE OF THE SIZE OF OUR PROGRAMS AND THE RELATIONSHIP OF CONFIDENCE WE HAVE GRADUALLY BUILT UP WITH THE KEY DEVELOPMENT MINISTRIES. WE ARE LIKELY TO OBTAIN STRONG INTERNATIONAL SUPPORT FOR THIS APPROACH FROM THE DONOR COMMUNITY, NOTABLY THE WORLD BANK, AND IDB AND THE UNDP.

(III) OUR RECOMMENDED COURSE OF ACTION IS TO UTILIZE THE FULL RANGE OF OUR ASSISTANCE PROGRAM, BACKED UP BY REPRESENTATIONS AT THE AMBASSADORIAL LEVEL AND AT THE WASHINGTON JOINT COMMISSION LEVEL. ALTHOUGH IT WOULD BE UNREALISTIC TO EXPECT DRAMATIC RESULTS IN THE SHORT FRAME, WE BELIEVE THAT STEADY PROGRESS CAN BE ACHIEVED WITH UNREMITTING EFFORT, A FRANK DIALOGUE, SENSITIVITY TO HAITIAN POLITICAL CONCERNs,
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AND RECOGNITION OF HAITIAN NATIONAL SENSIBILITIES IN THE FACE OF WHAT MANY FEAR COULD BECOME AN OVERWHELMING FOREIGN PRESENCE.

2. PRINCIPAL REACTIONS TO NEW U.S. HUMAN RIGHTS POLICIES.

(A) THE GOVERNMENT'S FIRST REACTION TO THE ADVENT OF A CARTER ADMINISTRATION WAS ONE OF FEAR THAT PERCEIVED DEFICIENCIES IN HAITI'S HUMAN RIGHTS RECORD WOULD TRIGGER A SUDDEN

REDUCTION IN OUR AID PROGRAMS. IN LATE DECEMBER THE GOVERNMENT, AS IF TO HEAD OFF ANTICIPATED U.S. PRESSURES, MADE THE LARGEST RELEASE OF POLITICAL PRISONERS IN ITS HISTORY. THIS HAD A FAVORABLE IMPACT BOTH IN HAITI AND ON U.S. OPINION. WITH THE CONTINUED ELABORATION AND EXPLANATION OF OUR HUMAN RIGHTS POLICIES, AND THE PRAGMATIC, NON-PUNITIVE, AND BALANCED APPROACH TO INDUCING PROGRESS WORLDWIDE, THE GOVERNMENT'S FEARS HAVE SUBSIDED. THE SIGNATURE OF AN IMPORTANT NEW AID PROJECT IN APRIL WAS WELCOMED. THE GOVERNMENT, ATTUNED TO OUR HUMAN RIGHTS COMMITMENT, APPEARS TO HAVE HASTENED THE PACE OF OTHER REFORMS IN THE HUMAN RIGHTS FIELD, E.G. THE CONSTRUCTION OF A MODERN MAXIMUM-SECURITY DETENTION FACILITY TO REPLACE THE OBSOLETE FORT DIMANCHE. DUVALIER IS SHOWING A NEW CONCERN FOR RURAL DEVELOPMENT. HOWEVER THE GOH REMAINS HIGHLY SENSITIVE TO ANY FOREIGN DEMARCHE CONNOTING INTERVENTION, PATERNALISM, CONDESCENSION, OR DISCRIMINATION. IT WILL SEEK TO PRESENT ALL HUMAN RIGHTS ADVANCES AS INITIATIVES TAKEN FREELY ON NATIONAL INTEREST GROUNDS, AS PART OF THE POST-1971 EVOLUTION, AND WILL NEVER COUNTENANCE THE SUGGESTION THAT IT IS BOWING TO U.S. PRESSURE. NOR WILL IT PERMIT POPULAR AGITATION FOR A FASTER PACE OF HUMAN RIGHTS PROGRESS TO GET OUT OF HAND AND THREATEN POLITICAL STABILITY OR PRESIDENTIAL AUTHORITY.

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(B) AMONG INFLUENTIAL PRIVATE AND INTELLECTUAL GROUPS, PROFESSIONAL CLASSES, STUDENTS, AND THE MEDIA, REACTION HAS BEEN ENTHUSIASTIC, EVEN EUPHORIC. EVERY NEW U.S. PRONOUNCEMENT ON HUMAN RIGHTS IS REPORTED IN MINUTE DETAIL, AN UNPRECEDENTED DEVELOPMENT IN HAITI. IN FACT, SOME SECTORS OF PUBLIC OPINION HAD EXAGGERATED EXPECTATIONS THAT THE ADMINISTRATION'S POLICY WOULD LEAD TO THE RESUSCITATION OF HAITIAN POLITICAL ACTIVITIES AND A RETURN TO CONSTITUTIONAL PROCEDURES. IN MARCH AND APRIL THERE WAS INTENSE SPECULATION THAT THE U.S. WAS DIRECTLY PRESSURING DUVALIER TO ABANDON THE PRESIDENCY-FOR-LIFE AND HOLD GENUINE ELECTIONS. AS THE HAITIAN PUBLIC GAINS A MORE REALISTIC APPRECIATION OF OUR HUMAN RIGHTS POLICY, SUCH WILD EXPECTATIONS HAVE DECLINED, AND THERE ARE EVEN SIGNS OF BACKLASH. A FEW YOUNG IDEALISTS CANNOT UNDERSTAND HOW A U.S. GOVERNMENT PROFESSING DEVOTION TO HUMAN RIGHTS CAN HAVE ANY RELATIONSHIP AT ALL WITH A GOVERNMENT THEY HOLD RESPONSIBLE FOR THE MISMANAGEMENT AND MANIFOLD ABUSES WHICH UNDENIABLY EXIST IN HAITI. ON BALANCE, HOWEVER, THE HAITIAN PUBLIC OPINION LEADERS REMAIN PROFOUNDLY REASSURED AND ENCOURAGED BY OUR HUMAN RIGHTS POLICIES AND ACTIONS. THEY ARE EMBOLDENED TO PRESS THE CAUSE OF HUMAN RIGHTS WHILE RECOGNIZING THE NEED FOR

CAREFULLY MODULATED TACTICS.

3. IMPLICATIONS OF THE HAITIANS' REACTIONS FOR POSITIVE/
NEGATIVE CHANGES IN THE HUMAN RIGHTS CONDITIONS.

(A) THE FOREGOING REACTIONS SUGGEST THAT THERE ARE SIGNIFICANT OPPORTUNITIES FOR ADVANCING HUMAN RIGHTS CONDITIONS IN HAITI, PROVIDED OUR APPROACH IS A BALANCED ONE WHICH AVOIDS ON THE ONE HAND ALARMING THE GOVERNMENT AND PROVOKING REPRESSIVE ACTIONS, AND ON THE OTHER HAND CREATING AMONG THE INTELLECTUALS AND THE MORE COURAGEOUS PRESS REPRESENTATIVES UNREALISTIC EXPECTATIONS ABOUT DIRECT U.S. INTERVENTION
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IN HAITIAN POLITICAL LIFE. IF WE MANAGE OUR HUMAN RIGHTS STRATEGY FLEXIBLY, WE CAN PROMOTE IMPROVEMENTS IN HUMAN RIGHTS CONDITIONS BY KEEPING HAITIAN LEADERS AWARE OF THE DEPTH OF OUR COMMITMENT AND THE NON-THREATENING NATURE OF OUR ACTIONS IN SUPPORT OF THESE POLICIES. OUR OPPORTUNITY IN HAITI IS NOT SO MUCH TO FORESTALL ANY RETROGRESSION TO A PATTERN OF GROSS HUMAN RIGHTS VIOLATIONS (NOBODY IN POWER WANTS TO RETURN TO "PAPA DOC" TERROR, OR WOULD BE CAPABLE OF DIRECTING SUCH A POLICY) AS IT IS TO ACCELERATE THE PACE AND EXTENT OF IMPROVEMENTS AND TO FOCUS THOSE IMPROVEMENTS ON THE INTEGRITY OF THE PERSON. THIS WILL NOT BE AN EASY TAK, GIVEN HAITIAN SENSITITIVITIES TO INTERVENTION AND THE TRADITION OF INDIFFERENCE TOWARD PRISONERS. HOWEVER, WITH PRESIDENT DUVALIER MORE AWARE OF THE NEED FOR CHANGE IN PRISON ADMINISTRATION AND MORE CONSCIOUS OF THE HEAVY PRICE WHICH HIS FATHER'S BRUTUAL PRACTICES IMPOSED ON THE SOCIAL FABRIC OF THE COUNTRY, THERE IS A GOOD PROSPECT FOR STEADY EVOLUTION IN A NUMBER OF IMPORTANT HUMAN RIGHTS CATEGORIES.

(B) THE OTHER ASPECT OF OUR STRATEGY RELATES TO PUBLIC OPINION. NOTHING WE SAY ON HUMAN RIGHTS SHOULD GIVEN HAITIAN INTELLELCTUALS GROUNDS FOR MOUNTING EXTREMIST DEMANDS UPON THE GOVERNMENT FOR DRAMATIC POLITICAL REFORMS, SINCE SUCH A RECURRENCE OF POLITICAL VOLATILITY SIMILAR TO THE 1956-57 ELECTORAL CAMPAIGN WOULD PROVOKE SWIFT RETALIATION BY THE GOVERNMENT AND WOULD THUS SET BACK OUR HUMAN RIGHTS OBJECTIVES. IN ARTICULATING OUR POLICIES, THEREFORE, WE SHOULD CONTINUE TO DEFINE CAREFULLY WHAT WE MEAN BY HUMAN RIGHTS AND TO EXPLAIN IN BALANCED MODEST, AND REALISTIC FASHION THE ACTIONS WE PROPOSE TO SUPPORT THOSE POLICIES ON A WORLDWIDE BASIS. THE SECRETARY'S APRIL 30TH SPEECH HAS PROVIDED AN EXCELLENT FRAMEWORK FOR THIS EXPOSITION.
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4. IMPACT OF U.S. ACTIONS ON OTHER U.S. INTERESTS IN HAITI.

(A) AS INDICATED ABOVE, HAITI'S RECORD IN HUMAN RIGHTS OVER THE PAST FIVE YEARS HAS BEEN GENERALLY PROGRESSIVE AND, ALTHOUGH IMPROVEMENTS IN CERTAIN AREAS REMAIN IMPORTANT OBJECTIVES, THE RECORD DOES NOT WARRANT THE IMPOSITION OF SANCTIONS OR OTHER PUNITIVE MEASURES. INSTEAD, OUR STRATEGY FOR THE SHORT AND THE LONG TERM RESTS ON THE CONTINUATION OF AID PROGRAMS RESPONSIVE TO GOH SELF-HELP EFFORTS IN THE ECONOMIC FIELD
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STADIS//////////

FOR DEPUTY ASSISTANT SECRETARY LUERS

FROM AMBASSADOR

VIOLATIONS SHOULD WE CONSIDER THE REDUCTION IN THE TITLE I PROGRAM, AND THEN ONLY IN SUCH A MANNER THAT THE INTERESTED HAITIAN DEVELOPMENT MINISTRIES WHICH BENEFIT FROM TITLE I FUNDS COULD HAVE THE OPPORTUNITY TO APPLY PRESSURE AGAINST THE SECURITY SERVICES AND OTHER ELEMENTS OF THE GOVERNMENT WHICH WERE RESPONSIBLE FOR THE HUMAN RIGHTS VIOLATIONS. THE TITLE I PROGRAM, IF CAREFULLY USED IN SUCH A CONTINGENCY, COULD, THEREFORE, SERVE TO STRENGTHEN THE ADVOCATES WITHIN THE HAITIAN GOVERNMENT OF CONTINUED LIBERALIZATION AND TO IMPOSE UPON LESS PROGRESSIVE ELEMENTS OF THE REGIME A REALIZATION OF THE COSTS
TO THE NATIONAL ECONOMY OF PURSUING A REPRESSIVE PATH.
BEYOND THAT WE WOULD SEE NO WAY IN WHICH OUR ECONOMIC DEVELOPMENT PROGRAMS COULD BE USED AS LEVERAGE SINCE THE VICTIMS WOULD NOT BE THE ELITE IN POWER, BUT THE RURAL POOR WHO ARE THE OBJECT OF OUR EFFORTS.

(B) AS TO THE USE OF THE LIMITED MILITARY ASSISTANCE PROGRAM, THIS ALSO IS OF MARGINAL RELEVANCE SINCE IT IS DIRECTED TOWARD

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ASSISTANCE IN THE FIELD OF SEA AND AIR RESCUE, AND SINCE A REDUCTION IN THE PROGRAM WOULD RISK LOSING THE SUPPORT OF MILITARZ LEADERS WHO PROVIDE STABILITY IN THE GOVERNMENT AND A SOURCE OF SUPPORT TO OUR SECURITY INTERESTS IN THE CARIBBEAN REGION AND TO OUR OBJECTIVES IN MULTILATERAL DIPLOMACY. ON THE CONTRARY, THE MAINTENANCE OF A LIMITED IMET PROGRAM IS MORE LIKELY TO BE CONDUCIVE TO FURTHER PROGRESS IN THE HUMAN RIGHTS FIELD THAN ANY ARBITRARY CUT-BACK WOULD BE.

(C) AS THE HAITIAN GOVERNMENT HAS COME TO UNDERSTAND OUR HUMAN RIGHTS POLICIES AND TO ASSES THE PRAGMATIC AND BALANCED NATURE OF ACTIONS IN SUPPORT OF THOSE POLICIES, IT HAS BECOME MORE RECEPTIVE TO SUPPORTING OUR HUMAN RIGHTS EFFORTS IN INTERNATIONAL ORGANIZATIONS. THE MOST RECENT AND DRAMATIC EXAMPLE WAS HAITI'S PROMPT SUPPORT FOR OUR HUMAN RIGHTS RESOLUTIONS AT THE OAS GENERAL ASSEMBLY, WHERE HAITI'S VOTE CONTRIBUTED DECISIVELY TO THE WINNING MARGIN. AS LONG AS HAITI IS CONVINCED THAT STRENGTHENING THE OAS HUMAN RIGHTS COMMISSION WILL NOT LEAD TO ARBITRARY AND DISCRIMINATORY EFFORTS TO INVESTIGATE HUMAN RIGHTS CONDITIONS IN HAITI, THE GOVERNMENT WILL CONTINUE TO GIVE US SUPPORT ON THE INTERNATIONAL LEVEL.

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